



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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Acting County Counsel

August 24, 2009

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **Cheila Herrera, et al. v. County of Los Angeles, et al**
Los Angeles Superior Court Case No. BC 391 052

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Cheila Herrera, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 391 052, in the amount of \$350,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Children and Family Services' budget.

This lawsuit alleges that the Department of Children and Family Services wrongfully detained a newborn infant and toddler.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Cheila Herrera, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC391052
COURT	Los Angeles Superior Court
DATE FILED	May 16, 2008
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 350,000
ATTORNEY FOR PLAINTIFF	Linda Wallace Pate (310) 203-2210
COUNTY COUNSEL ATTORNEY	Lauren M. Black Principal Deputy County Counsel (213) 974-0695
NATURE OF CASE	Plaintiffs Cheila Herrera and Jesus Bejarano allege that DCFS wrongfully detained the plaintiffs' newborn, Jesse, and toddler, Kelly, after Ms. Herrera's toxicology screen, which plaintiffs contend was inaccurate, indicated the presence of phencyclidine ("PCP") and methamphetamines in her system at the time of Jesse's birth. Plaintiffs also allege intentional infliction of emotional distress, breach of mandatory duties and negligence.
PAID ATTORNEY FEES, TO DATE	\$ 82,030
PAID COSTS, TO DATE	\$ 4,020



**Summary Corrective Action Plan
Department of Children and
Family Services**



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	February 8 through March 24, 2008
Briefly provide a description of the incident/event:	Mother gave birth to a minor at the hospital. The mother had a positive drug screen for phencyclidine (PCP) and methamphetamines. The drug screen led to the placement of the newborn "on Hold" and the detention of the newborn's sibling. A subsequent test determined that the mother did not have a drug problem and the case was ultimately dismissed.

1. Briefly describe the root cause of the claim/lawsuit:

The root cause(s) of this claim/lawsuit is (are):

Staff violations of established policies re: Assessment of Drug/Alcohol Abuse, Closure of Investigations and Writing Detention Reports.

2. Briefly describe recommended corrective actions:
(include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

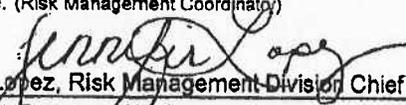
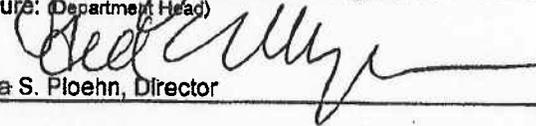
Corrective actions to address root cause

The process non-conformance was referred to Performance Management for review and action. Appropriate personnel action has been decided and will be taken, pending due process.

County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  Jennifer Lopez, Risk Management Division Chief	Date: 7/30/09
Signature: (Department Head)  Patricia S. Ploehn, Director	Date: 7/31/09